

REMARKS**Rejection under 35 U.S.C. § 102(e)**

Claims 1-14, 15-35, 37, 39-41, 48-50, 56, 57, and 59-61 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,016,476 to Maes (hereinafter Maes).

It is well settled that to anticipate a claim, the reference must teach every element of the claim. *See* M.P.E.P. § 2131. Moreover, in order for a reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he elements must be arranged as required by the claim.” *See* M.P.E.P. § 2131, citing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Furthermore, in order for a reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” *See* M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicants respectfully submit that the reference does not satisfy these requirements.

Claim 1

Claim 1 recites a method for activating a subscriber account for providing a network service that comprises:

- receiving initial information from a subscriber;
- storing said received information;
- providing a transaction processing device to said subscriber;
- receiving captured information from said subscriber through said transaction processing device;
- utilizing said captured information to receive verifying information about said subscriber; and
- comparing said verifying information with said initial information to authenticate said subscriber.

Applicants believe that the remarks set forth in the Amendment, dated November 10, 2004 remain pertinent and, accordingly, incorporate those remarks herein by reference. However, Applicants shall not repeat those remarks at length for the sake of brevity. Instead, Applicants shall respond to the specific statements of the Examiner as set forth in the Office Action, dated January 12, 2005.

The Examiner states that Maes discloses that a user is verified using a PIN, password, and biometric information. If the PIN, password, and biometric information are acceptable, a digital certificate is provided to the user's PDA to an account number to be written to a "smart card." Office Action, page 2.

Applicants respectfully note that claim 1 recites three different types of information: "initial information," "captured information," and "verifying information." Each type of information is used in a particular manner to activate the subscriber account. The initial information is received and stored and, then, a transaction processing device is provided to the subscriber. The transaction processing device is used to receive information (the captured information) from the subscriber. The captured information is not merely compared against the previously stored initial information. Instead, the captured information is then used to receive separate verifying information. The verifying information is then compared against the initial information. Upon the basis of the comparison, the subscriber is authenticated.

Each example of information in Maes relied upon by the Examiner is simply compared against previously stored information. The number entered by the user is compared against the previously issued PIN. The text information entered by the user is compared against the previously stored password. The biometric information is compared against previously stored biometric information. *See* col. 7, lines 25-35 and col. 8, lines 52-61. None of the information types of Maes is used to obtain other information. Specifically, the processing performed by Maes tends to ensure that the current user is the same person who set up the user account. However, this processing performed by Maes does not tend to independently verify the identity of the user. However, the claimed subject matter facilitates verification of the identity of the subscriber by using the captured information to obtain separate verifying information. Maes does not disclose using the three types of information in the manner recited by claim 1.

Additionally, Applicants submit that the digital certificate of Maes cannot satisfy the "verifying information" element, because the digital certificate of Maes is not compared against initial information received from the subscriber. Specifically, Maes discloses that the digital certificate contains information related to the account number of the PDA device 10, the date on which the digital certificate was authenticated and its expiration date, as well as

any constraints that exist for each enrolled card. Col. 7, lines 45-50. The disclosed information in the digital certificate is related to the PDA device and the account numbers. The disclosed information is not “verifying information about said subscriber,” because the information in the digital certificate of Maes does not verify the identity of the subscriber.

Applicants respectfully submit that claim 1 is not anticipated. Claims 2-14, 15-35, 37, and 39-41 depend from claim 1 and, hence, inherit all limitations of claim 1. Claims 2-14, 15-35, 37, and 39-41 are also not anticipated.

Claim 48

Claim 48 is directed to a method for electronic authentication of a subscriber requesting a subscriber account for providing a payment processing service that comprises:

- storing said received information in a database associated with said payment processor;...

- receiving by said point of sale terminal identifying information from said subscriber, wherein said identifying information is captured by said transaction processing device, wherein at least a portion of said captured information is encrypted by said point of sale terminal;...

- receiving said encrypted information from said point of sale terminal via a public network;

- receiving verifying information from said third party server wherein said verifying information is related to said decrypted information provided to said third party server;

- comparing said verifying information with said initial information by said payment processor to authenticate said subscriber; and

- activating said subscriber account for performing said payment processing service upon authentication of said subscriber.

For the reasons discussed above in regard to claim 1, Maes does not disclose receiving encrypted information, using the received information to receive verifying information, and comparing the verifying information to initial information in the manner recited by claim 48.

Therefore, Applicants respectfully submit that Maes does not disclose each and every limitation of claim 48. Therefore, Applicants respectfully submit that claim 48 is not anticipated. Claims 49-50, 56, and 57 depend from claim 48 and, hence, inherit all limitations of claim 48. Claims 49-50, 56, and 57 are also not anticipated.

Claim 56

Claim 56 recites:

receiving initial information from a subscriber;
storing said initial information;
providing said transaction processing device to said subscriber;
receiving identification information from said subscriber through said transaction processing device;
communicating, by said transaction processing device through a network, said identification information to an authenticating server;
using, by said authenticating server, said identification information to obtain verifying information related to said subscriber; and
activating, by said authenticating server, said subscriber account when said verifying information is consistent with said initial information, wherein said activating enables said transaction processing device to initiate payments into said subscriber account from third parties via said network.

For the reasons discussed above in regard to claim 1, Maes does not disclose receiving identification information, using the identification information to obtain verifying information, and activating a subscriber account when the verifying information is consistent with previously received initial information.

Therefore, Applicants respectfully submit that claim 56 is not anticipated. Claims 57 and 59-61 depend from claim 56 and, hence, inherit all limitations of claim 56. Claims 57 and 59-61 are also not anticipated.

Rejections under 35 U.S.C. § 103(a)

Claims 36 and 38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Maes in view of U.S. Patent No. 6,016,476 To Ramasubramani (hereinafter Ramasubramani).

Claims 19 and 58 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Maes in view of Ramasubramani in further view of U.S. Patent No. 5,721,781 to Deo (hereinafter Deo).

For the reasons discussed above in regard to the rejection under 35 U.S.C. § 102(e), Maes fails to disclose each and every limitation of independent claims 1, 48, and 56 from which claims 19, 36, 38, and 58 depend. Ramasubramani and Deo fail to remedy the lack of teaching and suggestion in Maes. Accordingly, the cited references (either alone or in

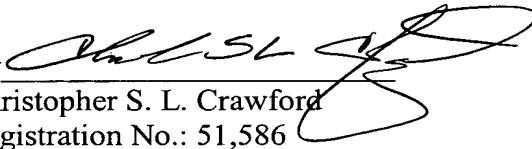
combination) do not teach or suggest each and every limitation of claims 19, 36, 38, and 58. Applicants respectfully submit that a prima facie case of obviousness has not been established.

Conclusion

In view of the above amendment, Applicant believe the pending application is in condition for allowance. Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 56728/P002US/10005779 from which the undersigned is authorized to draw.

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Respectfully submitted,

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